

NOTICE AND AGENDA
Apple Valley Utah
Planning Commission

Public notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold a **Planning Commission Meeting on Wednesday, January 22nd, 2020** at the **Apple Valley Town Hall**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at 6:00 PM. or shortly thereafter. In accordance with state statute, one or more members may be connected via speakerphone.

The Agenda for the meeting is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call

DISCUSSION AND ACTION

1. Nomination and appointment of chairperson
2. Nomination and appointment of co-chairperson

PUBLIC HEARING – AV-1335 from Commercial C2 to Recreational Vehicle Park Zone

3. Discussion and possible action for zone change of AV-1335 from Commercial C-2 to Recreational Vehicle Park Zone – Applicant Aaron Stout
4. Discussion and possible action for lot line adjustment on AV-1338-H-1 – Applicant Robert Campbell
5. Discussion and possible action – Shipping Containers

ADDITIONAL TRAINING - General Plan Overview Video and Discussion

APPROVAL OF MINUTES

- A. Approval of Minutes for 9.25.2019
- B. Approval of Minutes for 12.11.2019

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyutah.gov on the **14th day of January, 2020**.

Dated this 14th day of January, 2020

Ben Billingsley, Deputy Clerk
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS and MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.



Town of Apple Valley

1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee
 1 – 100 Acres: \$50.00/Acre
 101 – 500 Acres: \$25.00/Acre
 501 + Acres: \$10/Acre

| Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting | | | |
|---|--|--------------------------------------|-------------------|
| Name: <i>Aaron Stout</i> | | Phone: <i>435-313-0832</i> | |
| Address: <i>1752 W. Plains Dr.</i> | | Email: <i>Aaron.WStout@gmail.com</i> | |
| City: <i>Apple Valley, UT 84737</i> | | State: <i>UT</i> | Zip: <i>84737</i> |
| Agent: (If Applicable) | | Phone: | |
| Address/Location of Property: <i>Plains Dr. AU-1335</i> | | Parcel ID: <i>AU-1335</i> | |
| Existing Zone: <i>Commercial</i> | | Proposed Zone: <i>R.U. Park</i> | |
| Reason for the request <i>To seek approval of an R.U. Park on the lot.</i> | | | |

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

| Official Use Only | |
|-----------------------------------|----------------------------|
| Date Received: <i>1/8/20</i> | By: <i>Ben Billingsley</i> |
| Date Application Deemed Complete: | By: |



Town of Apple Valley
 1777 N. Meadowlark Drive, Apple Valley, Utah 84737
 Phone: (435) 877-1190 Fax: (435) 877-1192
 www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear 1/22/20

Paperwork returned by Aaron Stout (Date) 1/8/20

Name of Applicant: Aaron Stout

Site Location: AV-1335

Mailing Address: Plains Dr. Apple Valley, UT.

Phone: 435-313-0832

Purpose of Request: To seek approval of an RV Park or RV Park and tiny Cabin Mixed Use Park on lot AV-1335.

Aaron Stout
 Applicant Signature

1. Annexations: \$1500.00 filing fee
2. Conditional Use Permit: \$300.00 filing fee
3. Zone Changes: \$500.00 + Acreage Fee filing fee
4. Subdivisions: \$1500.00 filing fee
5. Lot Line Adjustment: \$200.00 filing fee
6. Lot Split (2 Lots): \$250.00 filing fee
7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

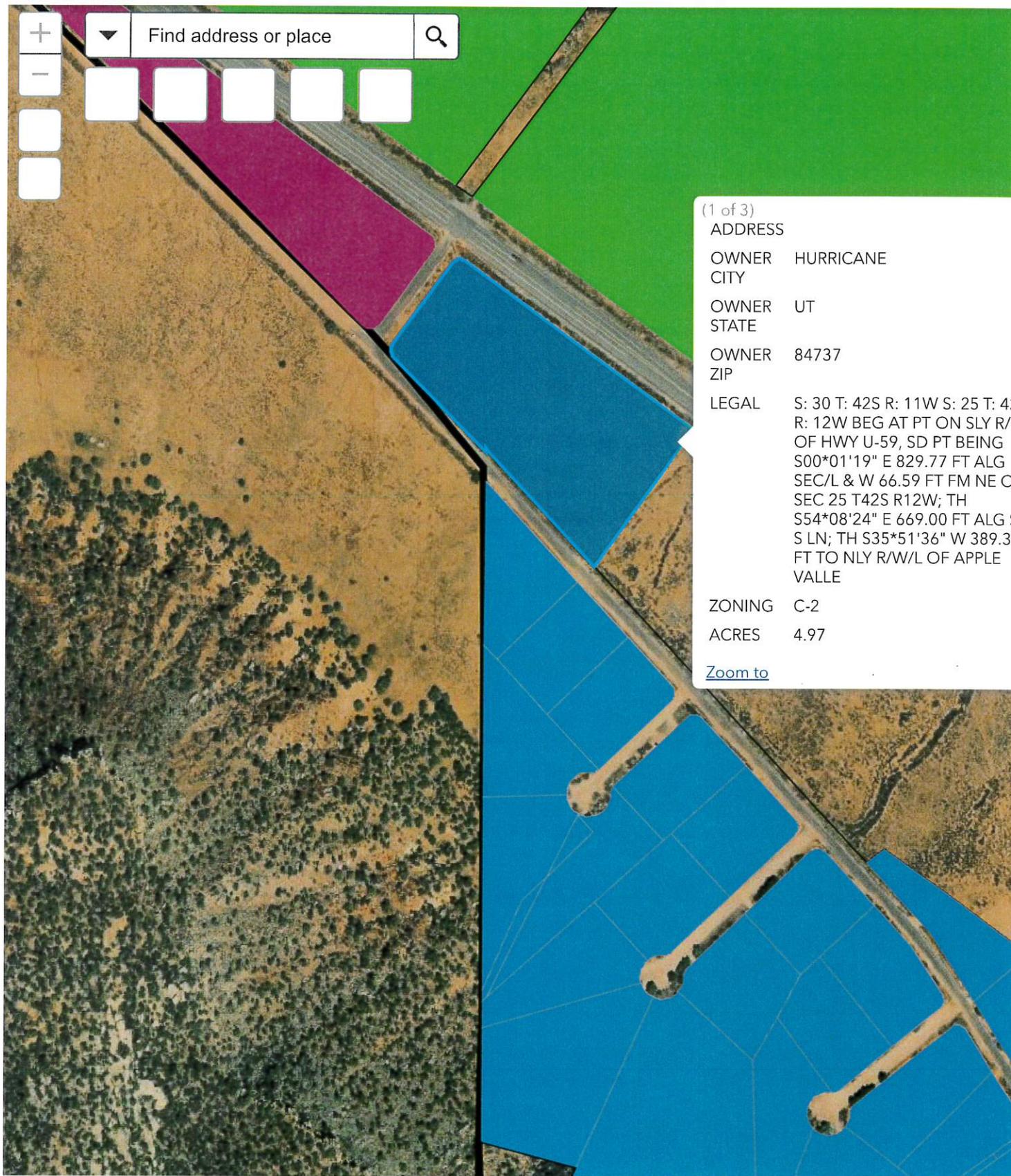
_____/_____
 Planning Commission Chairman Date

_____/_____
 City Administration Date



Apple Valley Zoning (Edit)

Apple Valley, Utah



(1 of 3)

ADDRESS

OWNER HURRICANE

CITY

OWNER UT

STATE

OWNER 84737

ZIP

LEGAL S: 30 T: 42S R: 11W S: 25 T: 42
R: 12W BEG AT PT ON SLY R/W
OF HWY U-59, SD PT BEING
S00*01'19" E 829.77 FT ALG
SEC/L & W 66.59 FT FM NE CO
SEC 25 T42S R12W; TH
S54*08'24" E 669.00 FT ALG S
S LN; TH S35*51'36" W 389.30
FT TO NLY R/W/L OF APPLE
VALLE

ZONING C-2

ACRES 4.97

[Zoom to](#)

300ft

-113.141 37.107 Degrees

Account 0812244

| <u>Location</u> | <u>Owner</u> | <u>Value</u> | |
|--|----------------------------|---|------------------------------|
| Account Number 0812244 | Name MERRITT HAROLD | Market (2019) | \$25,200 |
| Parcel Number AV-1335 | 635 N COUGAR LN | Taxable | \$25,200 |
| Tax District 45 - Apple Valley Town | HURRICANE, UT 84737 | Tax Area: 45 Tax Rate: 0.009803 | |
| Acres 5.03 | | Type | Actual Assessed Acres |
| Situs 0, 0 | | Non | |
| Legal S: 30 T: 42S R: 11W S: 25 T: 42S R: 12W BEG AT PT ON SLY R/W/L OF HWY U-59, SD PT BEING S00*01'19" E 829.77 FT ALG SEC/L & W 66.59 FT FM NE COR SEC 25 T42S R12W; TH S54*08'24" E 669.00 FT ALG SD S LN; TH S35*51'36" W 389.30 FT TO NLY R/W/L OF APPLE VALLEY DRIVE; TH N43*12'18" W 349.98 FT ALG SD N LN; TH N45*03'40" W 329.50 FT ALG SD N LN; TH N35*51'36" E 270.92 FT TO POB. LESS: ANY POR LYING W/I APPLE VALLEY DRIVE AS FOL: COM NE COR SEC 25 T42S R12W; TH S01*15'30" W ALG SEC/L 1059.69 FT; TH W 210.35 FT TO POB. SD PT BEING ON NELY R/W/L OF APPLE VALLEY DRIVE; TH N43*45'39" W ALG SD R/W/L 101.27 FT TO PT OF CUSP W/NON-TNGT CUR LFT RAD PT LIES N46*14'21" E RAD DIST OF 25.00 FT, TH ELY ALG ARC OF SD CUR 43.24 FT THRU CTL ANG OF 99*05'56"; TH N37*08'25" E 207.86 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FEET & CTL ANG OF 89*59'47", TH NLY ALG ARC OF SD CUR 39.27 FT TO PT ON SWLY R/W/L OF ST HWY 59; TH S52*51'22" E ALG SD R/W/L 100.00 FT TO PT OF CUSP W/NON-TNGT CUR LFT, RAD PT LIES S37*08'38" W RAD DIST OF 25.00 FT, TH WLY ALG ARC OF SD CUR 39.27 FT THRU CTL ANG OF 90*00'13"; TH S37*08'25" W 223.87 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FT & CTL ANG OF 80*54'04", TH SLY ALG ARC OF SD CUR 35.30 FT TO POB. | | Primary | \$25,200 \$25,200 5.030 |
| | | Land | |

Parent Accounts 0474893**Parent Parcels** AV-1334-K**Child Accounts****Child Parcels****Sibling Accounts****Sibling Parcels****Transfers**

| <u>Entry Number</u> | <u>Recording Date</u> |
|-----------------------------|--|
| 20060035854 | 08/09/2006 04:23:22 PM |
| 20090039374 | 10/14/2009 08:52:27 AM |
| 20100002924 | 01/28/2010 01:15:50 PM |
| 20100002925 | 01/28/2010 01:15:50 PM |
| 20100002926 | 01/28/2010 01:15:50 PM |
| 20110031703 | 10/18/2011 02:16:28 PM |
| 20110031704 | 10/18/2011 02:16:28 PM |
| 20160003450 | 02/02/2016 11:12:42 AM |
| 20190000956 | 01/09/2019 11:15:43 AM |

**AFFIDAVIT
PROPERTY OWNER**

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) _____, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20__.

Notary Public

Residing in: _____

My Commission Expires: _____

AGENT AUTHORIZATION

I (We), Harold Merritt + Terry Robbins the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Aaron Stout to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

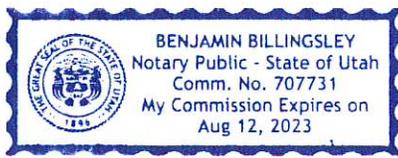
Harold Merritt

Property Owner

Terry Robbins

Property Owner

Subscribed and sworn to me this 9th day of January, 2020



Ben Billingsley

Notary Public

Residing in: Washington County

My Commission Expires: Aug 12, 2023

10.10.100 Recreational Vehicle Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of a Recreational Vehicle Park (RVP) in a quality environment. Recreational Vehicle Parks are not intended for the isolated lot. But shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

The Recreational Vehicle Parks are designed and intended from the beginning to serve the transient or traveling public that travels with their own recreational vehicles, needing a place to hook-up their own recreational vehicles to utilities and services. The Minimum zone size shall be ten (10) Acres.

The primary location for a Recreational Vehicle Park is close to Highway 59 or other major roadways and should not be located immediately next to a residential neighborhood.

- B. Permitted Uses: Uses permitted in this zone are as follows:

1. Accessory buildings and uses
2. Household pets
3. Recreational Vehicle rental spaces
4. Park, playground, Swimming Pool and Tennis courts or alike
5. Other uses similar to the above and judged by the Planning Commission to be in harmony with the intent and character of this zone.

- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

1. Clubhouse, sales or registration office, or on-site manager dwelling
2. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses

- D. Height Regulations: No building shall be erected to a height greater than twenty five (25'). No accessory building shall be erected to a height greater than fifteen (15') feet.

- E. Recreational Vehicle Park Development Standards:

1. Minimum Size: Each recreational vehicle park shall have a minimum size of ten (10) acres.
2. Roads:
 - a. Width: Each recreational vehicle park shall be provided with roadways of at least twenty five feet (25') in width.
 - b. Construction Specifications: All recreational vehicle parks shall be served by paved roads constructed to Town standards and bounded by curb and gutter approved by the Town.
3. Park Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street nor may they exit or enter through a residential neighborhood.
4. Off Street Parking: Hard surface (concrete or Paved) parking spaces shall be provided for the parking of each recreational vehicle, and two (2) additional spaces for vehicles.

5. Recreation Space: Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units.
6. Density: The maximum density for a recreational vehicle park shall not exceed ten (10) units per gross acre.
7. Space Width: Each recreational vehicle space shall have a minimum width of thirty feet (30') and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
8. Distance of Units: No RV space shall be designed to allow RV units to be parked closer than twenty feet (20'). This requirement shall apply to overnight, extended stay and park model units. No unit in an RV park shall be located closer than the distance required herein.
9. Minimum Yard Clearances for Recreational Vehicle Park:
 - a. Front or side yard on a public street, twenty five feet (25').
 - b. Side yard bordering adjacent property, ten feet (10').
 - c. Rear yard bordering adjacent property, ten feet (10').
 - d. A six foot (6') block wall fence shall be erected along all side and rear property lines unless otherwise approved by the Planning Commission.
10. Utilities Required: Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
11. Outdoor Living Space: Each recreational vehicle parking space shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to the vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
12. Landscape Plan: A detailed landscape plan shall be submitted for each recreational vehicle park, and shall be approved by the Planning Commission.

F. Other Requirements:

1. Perimeter Fence: Each Recreational Vehicle Park shall be fenced at the perimeter with a six foot (6') high block wall fence.
2. Building Code; Permit: Installation of infrastructure and any Recreational Vehicle Park structures shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building pennit.
3. Street Construction: All streets in a Recreational Vehicle Park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter.
4. All lighting shall comply with AVU 10.26 Outdoor Lighting Ordinance.
5. No tents of any kind may be used in this zone, unless included in a planned development agreement.

6. All Recreational Vehicle Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
 7. A Recreational Vehicle Park and Tiny Home or Cabin Park may be combined in one park, and the minimum size of park may be smaller than 10 acres with details of such mixed zoning and park size variations being outlined in a Development Agreement.
- G. Subdivision Requirements: If the Recreational Vehicle Park is not intended to be in a single ownership, rather intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019



Town of Apple Valley
 1777 N. Meadowlark Drive, Apple Valley, Utah 84737
 Phone: (435) 877-1190 Fax: (435) 877-1192
 www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear 1-22-2020

Paperwork returned by _____ (Date) _____

Name of Applicant: A FRESH CURB APPEAL

Site Location: _____

Mailing Address: 1297 N APPLE VALLEY DRIVE

Phone: 435 251 7622

Purpose of Request: LOT LINE ADJUSTMENT

ADJUST TO FROM AV-AVR-18-A TO AV1338-H-1



 Applicant Signature

1. Annexations: \$1500.00 filing fee
2. Conditional Use Permit: \$300.00 filing fee
3. Zone Changes: \$500.00 + Acreage Fee filing fee
4. Subdivisions: \$1500.00 filing fee
5. Lot Line Adjustment: \$200.00 filing fee
6. Lot Split (2 Lots): \$250.00 filing fee
7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

_____/_____
 Planning Commission Chairman Date

_____/_____
 City Administration Date

APPLE VALLEY RANCH
SUBDIVISION PHASE 1

LOT 18
PHILLIP A & NINA L MANGIALETTO
PARCEL NO. AV-AVR-1-18-A

APPLE VALLEY DRIVE
(PUBLIC STREET)
25.00'
25.00'

LITTLE CREEK
DEVELOPMENT CO., LLC
PARCEL NO. AV-1334-K



1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100

PHILLIP A & NINA
L MANGIALETTO
PARCEL NO.
AV-AVR-1-18-A

R=220.92'
L=135.95'
Δ=35°15'33"

PARCEL 1
7,171 SQ FT OR
0.165 ACRE

POINT OF BEGINNING
PARCEL 1

SOUTH
25.43'

S 88°49'29" E 210.80'

N 88°49'29" W 133.09'

N 0°08'48" W 1295.92'

SOUTHWEST CORNER SECTION
30, TOWNSHIP 42 SOUTH, RANGE
11 WEST, SALT LAKE BASE AND
MERIDIAN
(FND 1909 GLO BRASS CAP)

SOUTH 1/4 CORNER SECTION 30,
TOWNSHIP 42 SOUTH, RANGE 11
WEST, SALT LAKE BASE AND
MERIDIAN
(FND 1909 GLO BRASS CAP)



1870.14'

S 89°51'12" W 3420.42'

1550.28'



EXHIBIT B

PARCEL 1

FF19065.057

SHIPPING CONTAINER SURVEY

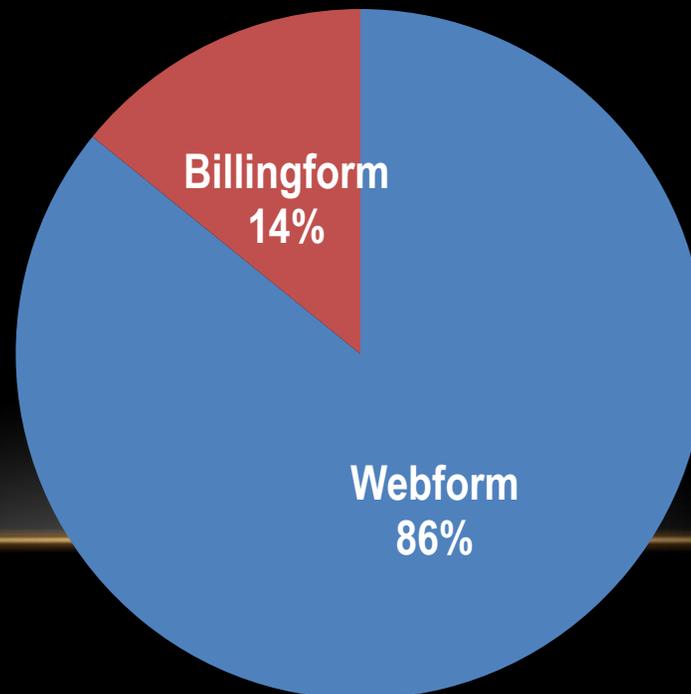
Summary of Survey Results

November 2019



SUMMARY OF ADMINISTRATION

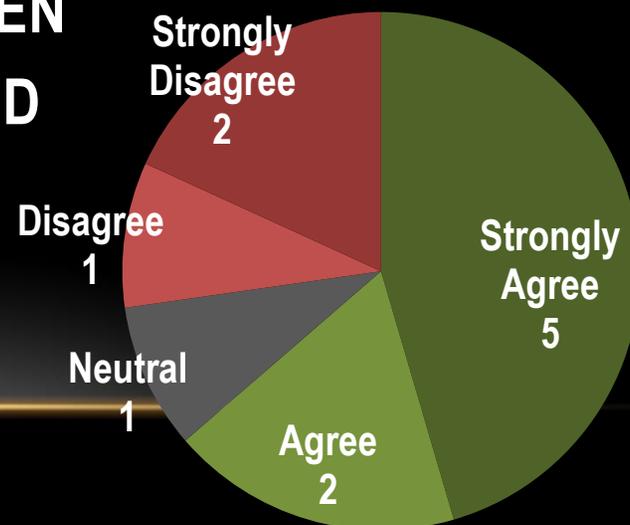
- Open from November 5 thru November 26
- Advertised on billing statement
 - Fillable form on back of printed statement
 - Clickable link included on emailed statements
- 113 Total responses



SUMMARY OF ADMINISTRATION

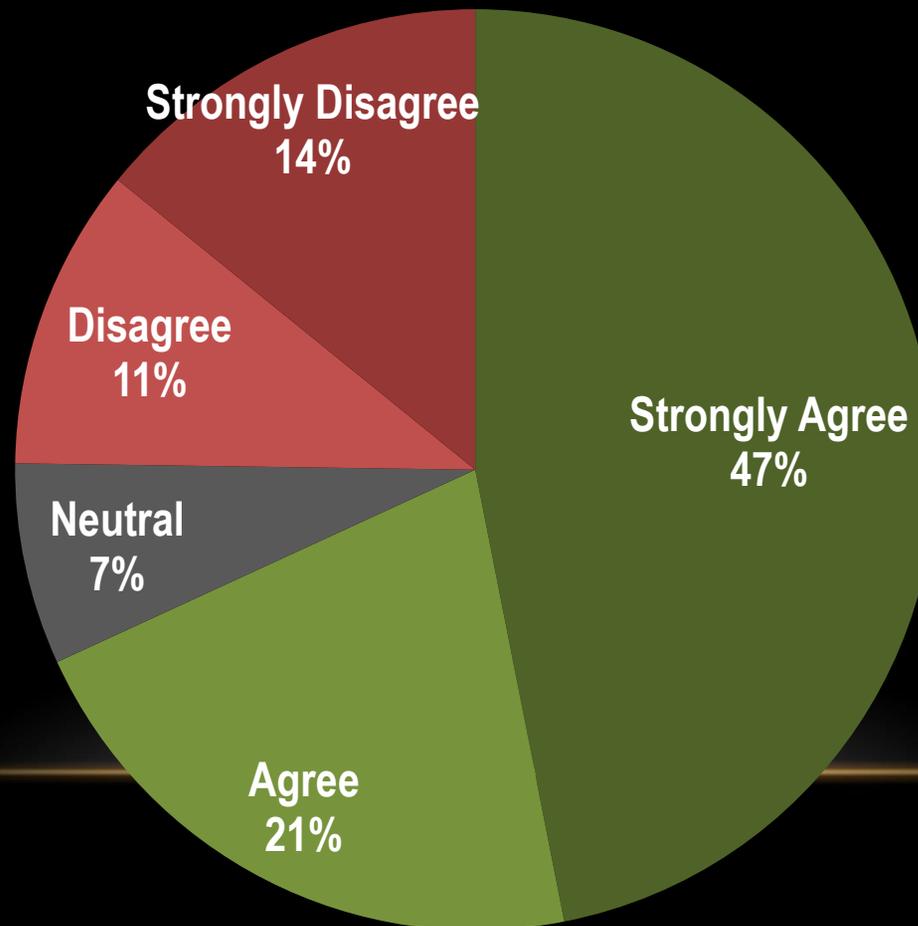
- 11 duplicate responses removed
 - Web + Billing form - 3
 - Double clicking “submit” - 8
- Proportional results on removed responses
- Chart formatting
 - Favorable to containers in **GREEN**
 - Unfavorable to containers in **RED**
 - Neutral responses in **GRAY**
 - Stronger responses **DARKER**

Removed Responses



SUMMARY OF RESULTS

Shipping containers should be allowed in Apple Valley

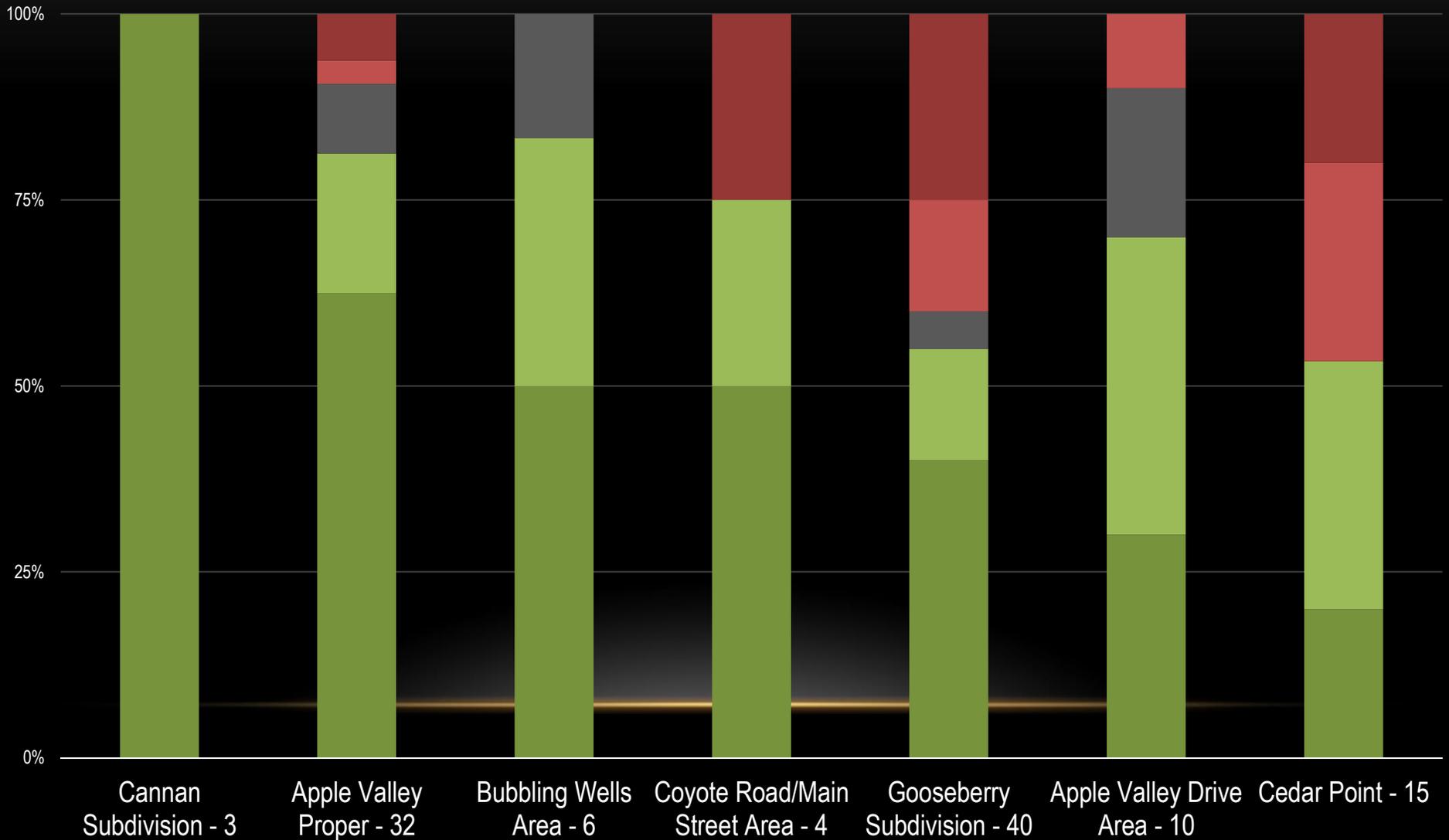


SUMMARY OF RESULTS



Shipping containers should be allowed in Apple Valley (by area)

Strongly Agree Agree Neutral Disagree Strongly Disagree

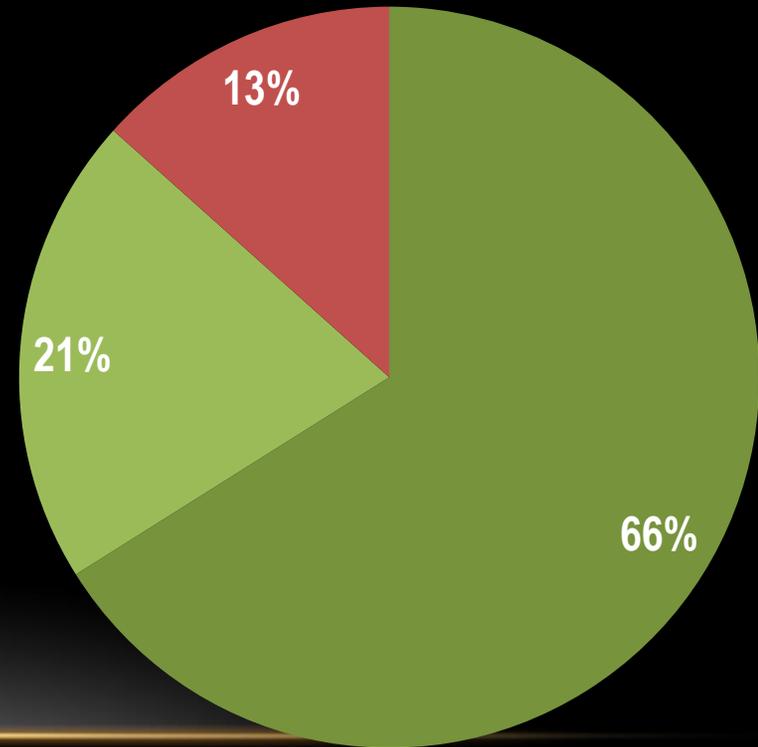
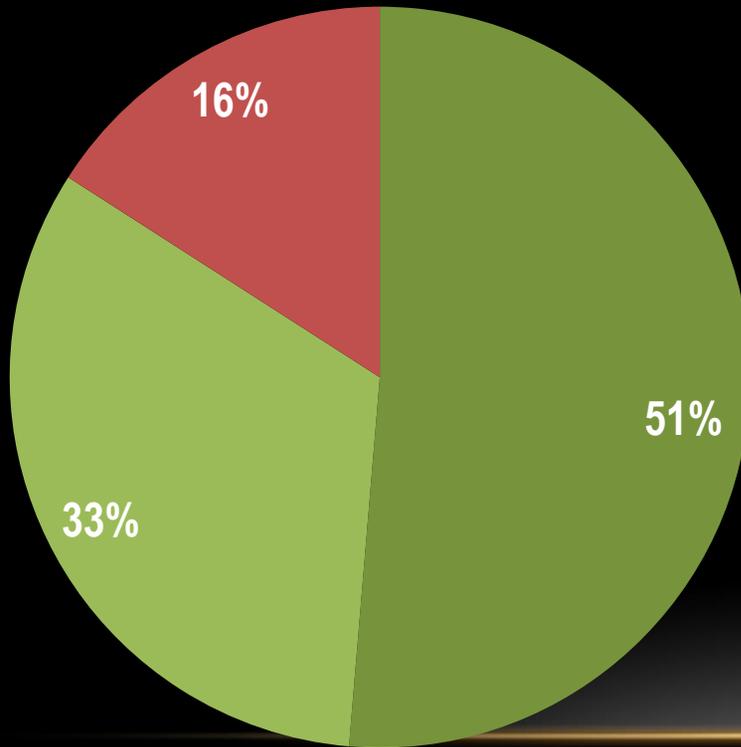


SUMMARY OF RESULTS

Size Restrictions

Less than 2 Acres

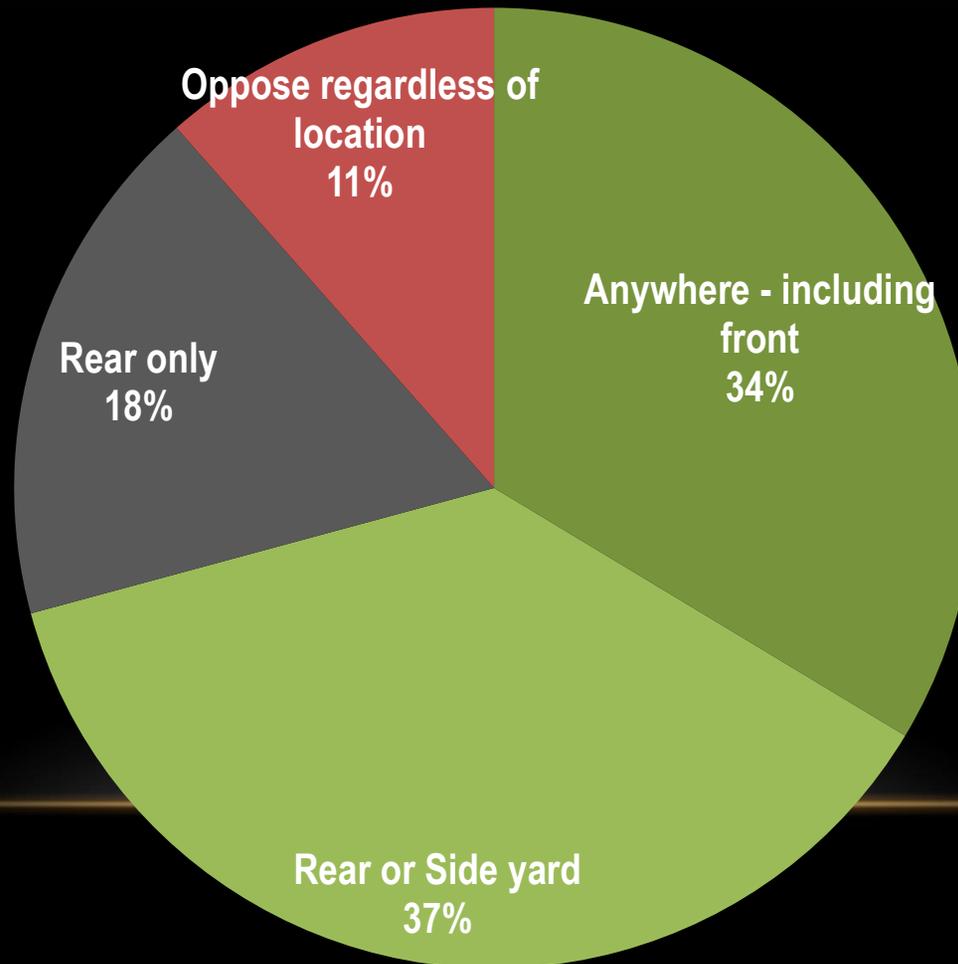
2 Acres or More



■ 40' Containers OK ■ Limit to 20' ■ Oppose regardless of size

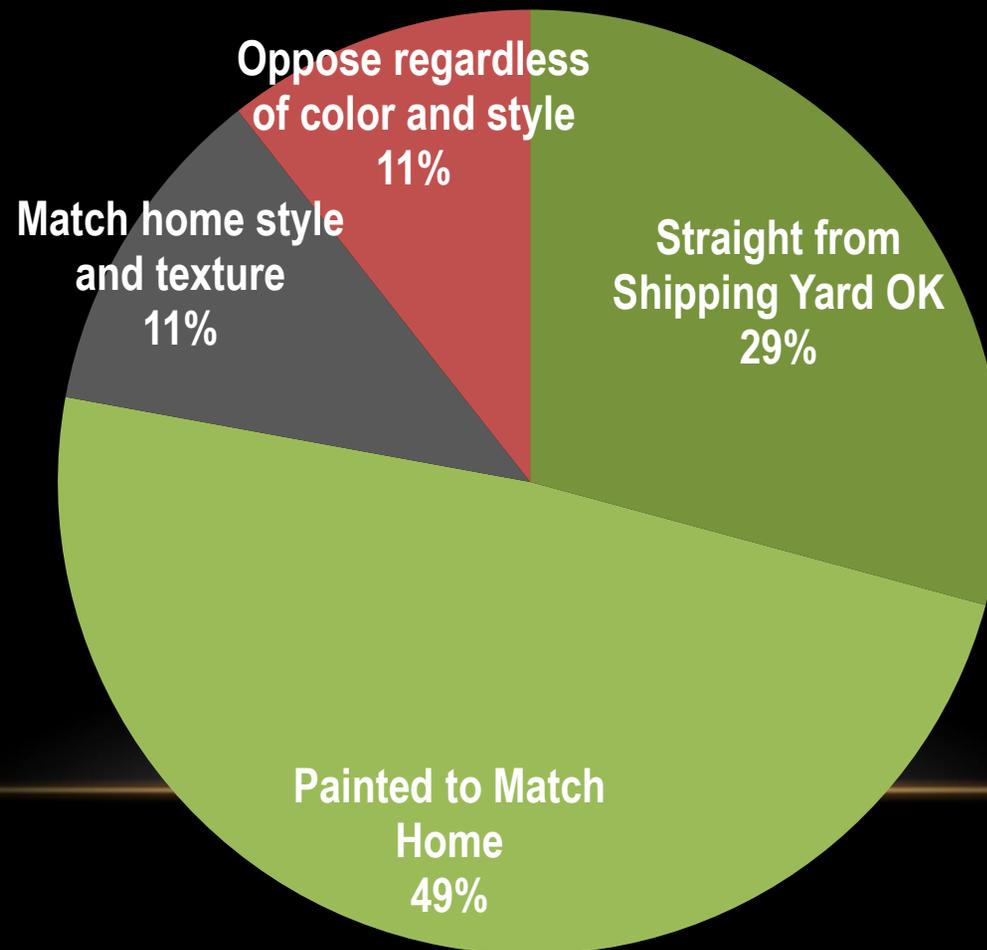
SUMMARY OF RESULTS

Location Restrictions



SUMMARY OF RESULTS

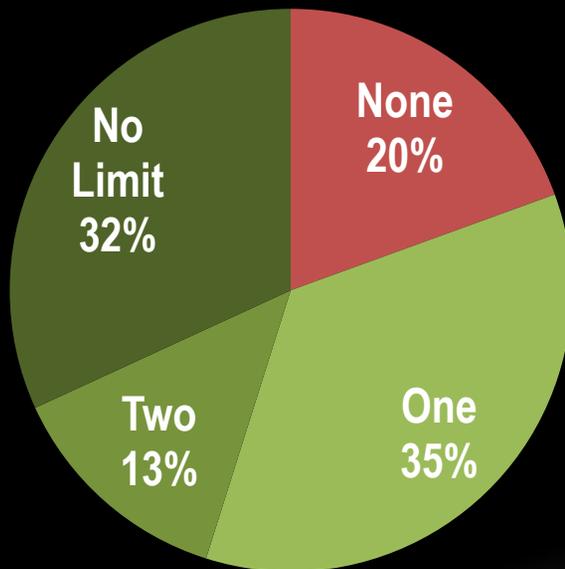
Exterior Requirements



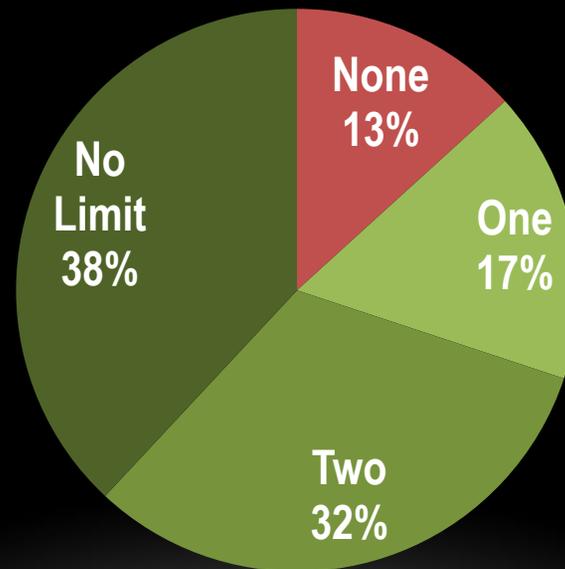
SUMMARY OF RESULTS

Quantity Restrictions

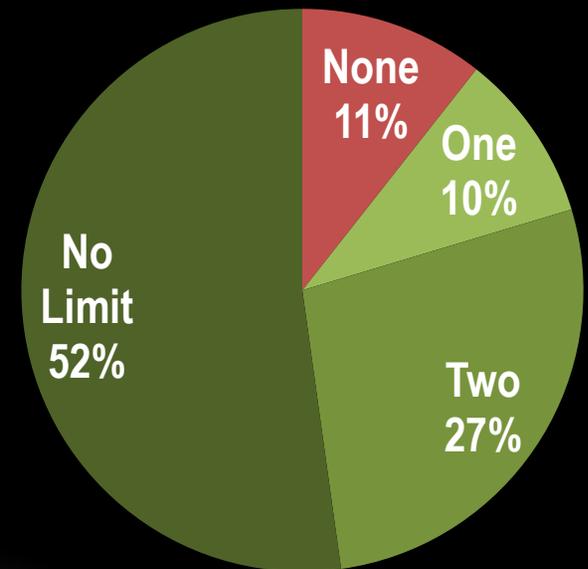
Up to 1 acre



2-5 Acres

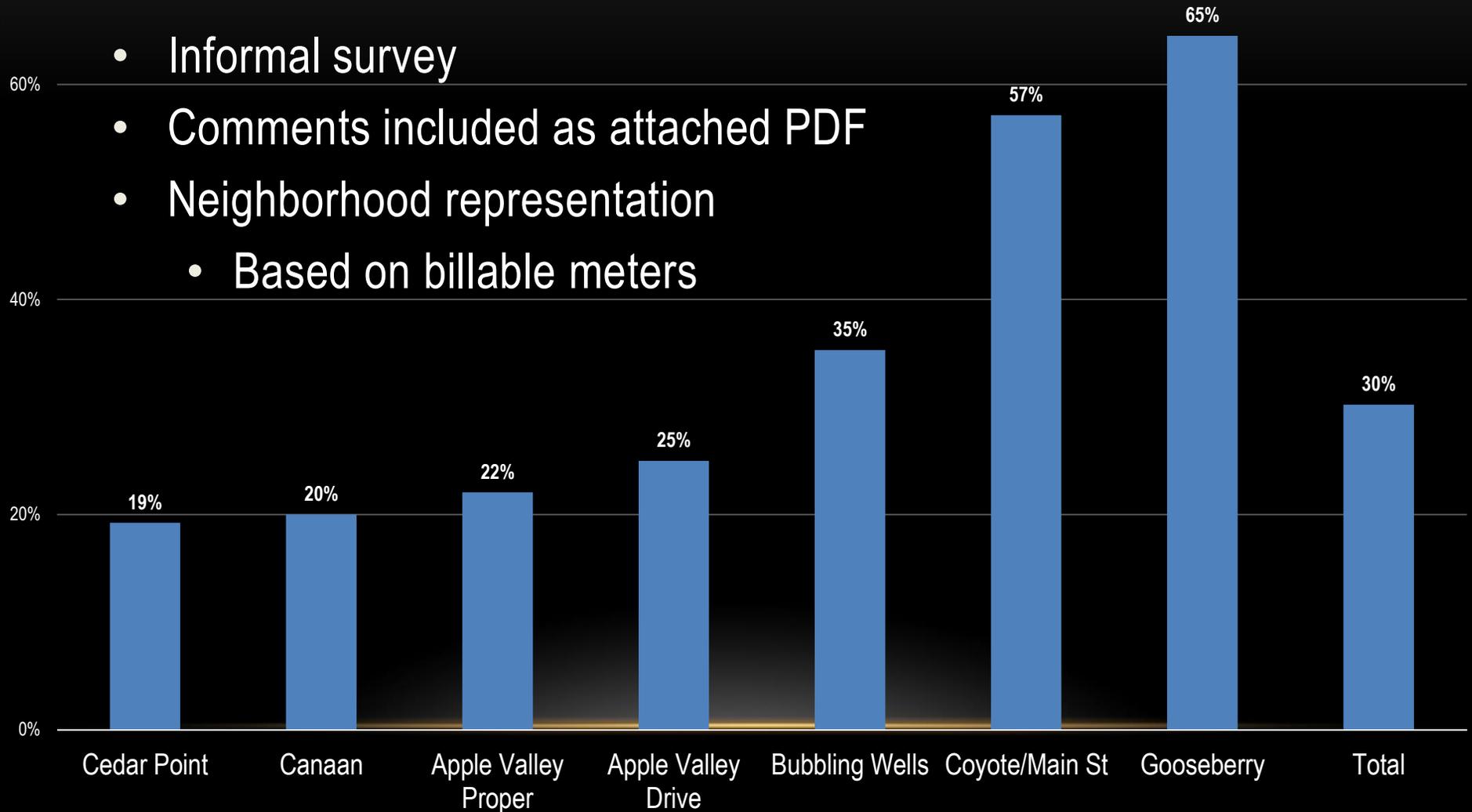


Over 5 acres



CONCLUSION

- Informal survey
- Comments included as attached PDF
- Neighborhood representation
 - Based on billable meters



10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
 - I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
- N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Recorder Michelle Kinney

Chairperson Browning would like to flip the hearings so items A, B, C, and D, are moved after item K.

MOTION: Chairperson Browning moves to change the agenda to hear item E first then F and G.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye
Commissioner Prentice Aye

The vote was unanimous and the motion carried

APPROVAL OF TKS CONDITIONAL USE PERMIT

TKS is looking to place a fiber optic demarcation plant for intersection point between TKS and the line from another company. Similar to the one that South Central has behind the Chevron only smaller.

Mayor Lisonbee asks how far from the highway it is and the representative for TKS mentions the power company doesn't want it under the power line but they can have it anywhere else within their lease area.

Commissioner Kuehne asks about the antenna tower. The representative mentions that most likely they will not put up the tower, at least not initially.

MOTION: Commissioner Fralish moves approve the location of the conditional use permit for the high speed building with input from the council on the exact location.
SECOND: Commissioner Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye

| | |
|-----------------------|-----|
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |
| Commissioner Prentice | Aye |

The vote was unanimous and the motion carried

Ben Billingsley suggests that they clarify the previous motion to send this item to council for approval.

MOTION: Chairperson Browning moves to amend the motion to place the building on the south most part of the leased area of the property and farthest away from the highway.

SECOND: Commissioner Prentice

VOTE: Chairperson called for a vote:

| | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |
| Commissioner Prentice | Aye |

The vote was unanimous and the motion carried

HEARING FOR AMENDMENTS TO TOWN CODE 10.28.230 "ACCESSORY BUILDING AND ACCESSORY USES GENERAL REQUIREMENTS"

MOTION: Chairperson Browning moves open the hearing the amendment for the hearing for town code 10.28.230 Accessory Building and Accessory uses General Requirements

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

| | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |
| Commissioner Prentice | Aye |

The vote was unanimous and the motion carried

Tana Stone- Shows a picture of her accessory building. This is building is under 200 square feet. She explains that she was charged with a class B misdemeanor for her accessory building. She works in public service and this has the ability to impact her livelihood. At a meeting held several weeks ago she mentions an instance when an officer of the town mentioned that the planning commission shouldn't listen to the public. She mentions the work she put in to making her container nice and would like the Commission not to disallow all containers.

Tony Prytel- Bought his place 17 years ago and he did so because of the CCR's that wouldn't allow mobile home trailers to be brought in.

Jason Graham- He doesn't plan on having a shipping container but he believes it infringes on his personal property rights to disallow shipping containers on his property and as a retired police officer he understand rights and that people should be able to do as they see fit on personal property. He doesn't believe that shipping containers will hurt property values of neighbors.

Tim Farr- He shares his feelings that the red white and blue doesn't give the right to do anything we want to. Once code is in place it should be enforced or it should be changed through the proper procedure. The code should be enforced uniformly; the entire code should be followed and enforced throughout the entire town.

Rich Kopp- Mentions that every deed and title is subject to the code of the area in which you reside.

Rich Osoki- Shares his thoughts on being the code enforcer in town and that his responsibility is to enforce the code. He shows a short video of shipping containers he found within town.

Richard Fischer- Shares his wonder as to why a resident was sighted if 20 footers are allowed. He mentions that there are 7, 40 footers within Hurricane city limits.

Forrest Kuehne- asks where it says in the code that 20 footers are allowed

Margie Ososki- She mentions her research of other communities that have shipping container ordinances. Enoch has a code for shipping containers and Cedar city is working on a code for them.

Janet Prentice- Mentions the 2009 code and it mentions that no shipping containers are allowed. 2016 they did try to make them more allowable.

Margie Ososki- mentions that in July 2010 the previous mayor told Curtis Gubler that he could have a shipping container if it was less than 200 square feet and painted to match the house.

Chairperson Browning asks if this was officially amended. Margie Ososki and Janet Prentice both mentioned that it wasn't officially amended until 2015. Commissioner Kuhene asks about what happened in 2010 then and Chairperson Browning mentions that it was they could paint them. The Recorder mentions that in the audio minutes for 2010 it was amended.

Jay Kleinfeldt finds it surprising that nobody knows what the current code is. He would like to know if there is a limit to the lot size for shipping containers. He isn't against them being on 1 acre or larger lots but would not like to see them on smaller lots that are considered high density.

Darwin Rawlins- He shares his feeling about moving into the community. He didn't know they even needed a permit to set a container on his property. He feels like him and his wife stepped into an ongoing fight in the neighborhood. He doesn't want to fight. They were willing to fix theirs up and stucco it but it would cost more for them to stucco than to just build a building. As a new resident we didn't feel very welcome into town because of all these issues.

Rich Kopp- People should be more versed in what the town code is. He would like to see more communication between the town and the residents. My right as a homeowner shouldn't be infringed upon by my neighbor's rights.

Charles Canham- He would like to understand why the rules need to be changed, he has a shipping container and he is thinking about getting another. The mayor responds that the town is just trying to clean up the issues with the code.

Jerry Wells- Not a fan of shipping containers but he would like them to be allowed while people are building a home. Perhaps a 90 day limit for a container if they are building.

Allison Kapkee- She would like to see the containers allowed for a short period of time like when building a home. The UNLESS clause in the code isn't helpful, allow them or don't allow. The rules need to be understandable and mentions the possibility of limiting the size. It is the responsibly of the person coming in to see what is allowed by the town. She doesn't like them and thinks they bring property values down. The rules should be provided when people apply for a building permit.

Richard Palmer- He is for shipping containers he has one. He came into this office and asked if he could have it and he was told yes in 2017 as long as it was painted. There are other scenarios in town that are also a problem but he feels the shipping containers are being singled out. I want to fit into this community but I don't want to fight all of these battles. I purchased the container because of affordability. This is fire and mouse proof, and he stacks his wood next to it.

Celesta Palmer- I think I should be able to have any color container I want. She did ask and was told it was ok. Its fire proof and it does look better than many of these other sheds that are falling down and have mice.

Richard Fischer- He mentions the box the CCR's at Ososki's-The town isn't supposed to enforce the CCR's.

Gary Dewley- Enforce the code or burn it.

Debbie Kopp- shares the concern that when someone brings them in while building a home getting them to then remove the container may become an issue.

Sherry Rawlins- We thought we had this worked out and could keep our container while we build and would then have to remove the container before we could receive our occupancy certificate.

Gloria Charles- She has been trying to sell her house since July. She states many people who have come to look at her home ask her what the deal with the shipping containers is. She believes this does affect property values.

Jerry Wells- Pervious administrations didn't give a damn and now this administration has to clean this mess up.

Commissioner Kuehne is reading the current code and Chairperson Browning reads what they are considering changing the code to.

Mayor Lisonbee shares his experience in Duck Creek and noticed how many shipping containers there. He didn't feel that these made the area look bad. He went to Lake Powell and when you leave Kanab he hasn't ever noticed anything but the area, it wasn't until this discussion started that he noticed all the shipping containers. A survey will be put on the town website so we can get more information on what everyone would like to see in town. We perhaps we need to add something to the code for the shipping containers during building and larger lots would be allowed to have shipping containers.

Margie Ososki she would like it on the record that there are more than two or three people in the audience that don't want shipping containers. She suggest if you have 2 lots you should be able to put your survey in 2 times.

Chairperson Browning would like to see a raise of hands on:

No shipping containers-13

I want what I want no restrictions-2

Shipping containers with common sense parameters-23

MOTION: Commissioner Prentice motions to close the public hearing
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye
Commissioner Prentice Aye

The vote was unanimous and the motion carried

HEARING FOR AMENDMENTS TO TOWN CODE 10.26 "OUTDOOR LIGHTING"

MOTION: Commissioner Jorgensen moves to open the hearing for town code 10.26 "Outdoor Lighting"
SECOND: Chairperson Browning
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Chairperson Browning mentions talks about some of the adjustments they would like to make to the Lighting Codes.

Mayor Lisonbee asks what the change was for the lumens.

Chairman Browning- the lumens are changing to 1200.

Lisa Farr- What is the time frame in which to change the fixture. Chairman Browning mentions this is when the fixtures break and have to be replaced.

Attorney Guzman suggests addressing the fixture replacement language. He mentions the building permit trigger would be a better option than a destroyed fixture criteria.

Tim Farr- we built here because of the dark skies as he does astro photography. His neighbor has a light that crosses the street and lights up the road and his house. This light is set to come on every time a car goes across the road and blinds the driver. This light also trespasses onto his property.

Jerry Wells mentions that everyone should ride down this road and see what he is talking about and how bright the lights are and how they blind you at night.

Chairperson Browning mentions that lightbulbs need to be brought into compliance now.

Attorney Guzman mentions that it sounds like many residents are not currently in compliance. You must inform residents uniformly that on a specific date, we will be enforcing current code.

Richard Fischer mentions that he would like to see the building permit, sale or purchase of a home triggering the compliance of the lights.

Commissioner Jorgensen asks if we issue a notice of non-compliance will this cause a problem getting title insurance.

Attorney Guzman suggests enforcing the current ordinance now, then any new lights or building has to be in compliance with the new ordinance. He doesn't know if the Chevron lights are meeting current ordinance so make sure you require this of everyone and is done uniformly.

Chairperson Browning mentions another option for this rewrite.

Should needs to be changed to shall.

Mayor Lisonbee mentions the drop dead date and the building permit trigger. Attorney Guzman mentions that if someone is not in compliance now they will have to meet the new standard.

Chairperson Browning would like to know if the 15 minute time limit is too long.

MOTION: Chairperson Browning moves to close the hearing on the lighting ordinance.
SECOND: Chairperson Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Perntice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye

Commissioner Fralish Aye

HEARING FOR AMENDMENTS TO TOWN CODE 10.28.100 "PARKING REQUIREMENTS OF PRIVATE RECREATIONAL VEHICLES IN RESIDENTIAL ZONES"

MOTION: Chairperson Browning moves to open the hearing for amendment to town code 10.28.100 "Parking Requirements of Private Recreational Vehicles in Residential Zones."

SECOND: Chairperson Fralish

VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Perntice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Chairperson Browning read the current changes they are working on as described in the packet.

Commissioner Prentice mentions they are trying to keep people from living in their RV's.

Richard Fischer mentions that he would like to have the wording requiring a screen or fence removed.

The commission discusses the option of having the code state a trailer may be occupied for a period of 30 days, renewable one time for a total of 60 days within the year.

Attorney Guzman recommends some changes to the title of the section including adding the wording "Subject to the Following."

Add "Legally Parked" instead of "Properly Parked."

Richard Fischer suggests adding something for a minimum number of days so someone who is only staying for 2 days is not required to have a permit. The commission has a discussion on how to handle this situation.

MOTION: Chairperson Browning moves to close the hearing for the parking of private vehicles in residential zones.

SECOND: Commissioner Prentice

VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Perntice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

- MOTION:** Commissioner Kuehne moves to table item I, Recommendation from the Planning Commission on the changes to town code 10.28.230, "Accessory Building and Accessory Uses General Requirements."
- SECOND:** Commissioner Prentice
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

- MOTION:** Chairperson Browning moves to forward the town code amendment for 10.26 "Outdoor lighting" to the town council for approval with the changes as noted with the end date of January 1st, 2025 to bring into compliance.
- SECOND:** Commissioner Fralish
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

- MOTION:** Commissioner Jorgensen moves to forward to the Town Council the changes to town code 10.28.100 "Parking Requirement of Private Recreational Vehicles in Residential Zones" as discussed.
- SECOND:** Commissioner Kuehne
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

HEARING FOR GENERAL PLAN AMENDMENT FOR AV-1377-E FROM RESIDENTIAL TO AGRICULTURAL- ROCK TITE CONSTRUCTION/ GRAHAM.

Chairperson Browning opens the public hearing for the General Plan Amendment for AV-1377-E from Residential to Agricultural.

Jason Graham shows some pictures of the property, they will be included in the packet. He talks about the property and explains there is a wash that runs through his property. This is about 6 miles from this part of town. This road is a dead end road and only serves three other parcels. He mentions the properties to the east are currently being used as agricultural. He submitted a permit to build a shop on this property. He mentions that he spent 10 years in the army protecting rights and he feels that the Residential estates is too restrictive and violates his rights to do what he would like to on his property. Jason mentions a phone conversation that was had between the mayor and Christian Holt where the mayor encourages Christian to stand against this change. The commission asks what he would like to do with the lot that you cannot do with the RE5. He mentioned he would not be able to have any more than 10 large animals. He mentions that the mayor has a large steel building on agricultural land next to a residential lot. He is asking that the commission be consistent with him and allow the property be zoned AG.

Mayor Lisonbee- mentioned that the conversation he had with Christian has been embellished some. He is not trying to torpedo anything. The current general plan mentions that this area is RE-1/2 acre we have also discussed making this area low density.

Chairperson Browning- mentions that what is in the code is not an opinion.

Commissioner Kuehne- Asks if the changes to the general map have actually happened.

Chairperson Browning- Remind the commission that this is a hearing to change the general plan.

Margie Ososki- asks if the shop is going to be for commercial use. He would like the shop for his tractor collection it will not be for commercial use.

Rich Kopp- mentions that the commission would be setting the precedent for cows and pigs etc with this change and he doesn't want that. The purpose of ordinances is to bring harmony to the area.

Richard Fischer- mentions that many of the people out in this area have been AG.

How big of a farm can you do on this 10 acre parcel with a big gully in it.

Attorney Guzman -reminds everyone that the protocol for the hearing is to have only one person speaking at a time. All questions and comments are directed to the commission and the chairperson can then pass the question on to Mr. Graham if necessary.

Charles Canham- He believes that Mr. Graham should be welcome to do what he would like as he is for Agricultural areas.

Rich Ososki- He would like the area residential and he asks if there will be any commercial mechanics going on in this building. Graham mentions he has 5 kids and would like to use his property as he sees fit. He grew up on a dairy farm.

Margie Ososki- mentions that with residential estates he can have a detached garage.

Haley Graham- mentions AG because the RE codes are very complicated. She feels the town codes for RE5 are like CCR's.

Commissioner Kuehne- mentions that it sounds like RE5 or RE10 may fit fine for them.

Haley Graham mentions again that RE5 does not allow them to do what they would like to.

Commissioners -ask what they want to do that can't be done with RE5. The grahams mention that they would not be allowed to have 10 cows and 10 horses.

Rich Kopp-Strongly stresses that everyone has property rights. He would like to have his property as AG but he doesn't its RE5. He suggests that the Grahams should have bought a piece of property that was already zoned AG. He is worried that someone with 50 wiener pigs will stink up his house.

Michelle Kinney-States the property next to this is already zoned AG. Shapley was told he needed to make his property RE5 to create a buffer area from the residential homes in the cul-de-sac. The changes to the General Plan have not already been made and many of the homeowners in the area want larger lots and this is consistent with that. She urges the commission to take all landowners into consideration in this decision.

Chairperson Browning mentions that she agrees all land owners opinions be taken into account. The only thing she is struggling with is the attitude that the Grahams have come in with. Which as Chairman Browning stated is "it is my land and I should be able to do what I want," She mentions this is not how it works and this is not just a difference of opinion, what the code says must be considered within the parameters the town sets forth. The argument that is given from Mr. Graham about serving the country and it being his property and he should be able to do what he would like to doesn't sit well with her.

Mr. Graham then suggests the commission gets to decide his future and get to control him.

Chairperson Browning feels that he is taking an all or nothing approach with the commission. She doesn't have a problem with what is being presented. It is the way he is presenting it to them with the idea that it is his property and he should be able to do whatever he wants. And using his service as the reason he should be able to do so. She doesn't feel that she is trying to wield some power but rather this is a voluntary position. The purpose of this is to understand that we are all a community and the commission is trying to work with him but we also have to follow the town codes and Mr. Graham needs to understand that.

Margie Ososki- Asks about the taxes collected on agricultural land versus residential and if they are different. Tish Lisonbee mentions that her residential and AG land are both taxed the same because she has buildings on them.

Ben Billingsley clarifies what is possible with an attached garage and detached garages. Attached may be up to 100% of the total living area and detached garages may be up to 50% of the footprint of the home. Accessory buildings may be up to 50% of the rear yard.

Forrest Kuehne- Comments that if many people in the area want AG then it may be reasonable to consider changing this entire area to AG for the General Plan.

Jason Graham apologizes if he came across as rude. He implores the commission to finish this tonight so he can get started with building his home.

Mathis Barlow- He would recommend looking at the whole area for the general plan and making it AG.

Mayor Lisonbee mentions that they haven't had the discussion on whether or not that area should be AG or RE we only talked about the minimum size of the parcels. We may want to look at that.

MOTION: Chairperson Browning moves to close the hearing for general plan amendment for AV-1377-E from Residential to Agriculture.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Prentice Abstain
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

HEARING FOR ZONE CHANGE, PARCEL NUMBER AV-1377-E FROM PLANNED DEVELOPMENT TO AGRICULTURAL-5, ROCK TITE CONSTRUCTION/ GRAHAM

MOTION: Commissioner Fralish moves to open the hearing for zone change for parcel AV-1377-E from Planned Development to AG-5.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Prentice Abstain
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Commissioner Prentice excuses herself from the chamber and leaves the building.

Rich Kopp- To pressure the planning commission to make a decision tonight is not right.

Madeline Graham this was first on the agenda and would like to have this finished up tonight.

Tish Lisonbee mentions that the conceptual idea for the area is make everything low density not necessarily RE-5 and that you need to allow for usage and not blanket everything RE.

Richard Fischer- When you buy property if what you want to do doesn't meet the current zoning you apply for a zone change and this this standard procedure.

Rich Kopp points out that just because you go to the planning commission for something doesn't mean you are going to get exactly what you want.

Mathis Barlow suggests that if they made a commitment to Shapley then this should be changed as well.

Commissioner Kuehne mentions that he doesn't think they made a commitment but rather suggested they would consider the change.

Rich Kopp- if that decision was already made with the Shapley then perhaps we do need to the minutes and find out and go with this change but only if the minutes reflect that happened.

Madeline Graham- Perhaps this could be a starting point, perhaps this will help with the general plan.

MOTION: Chairperson Browning moves to close the public hearing for zone change parcel number AV-1377-E from planned development to AG5
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Prentice Absent
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

DISCUSSION AND ACTION ITEMS:

RECOMMENDATION FROM PLANNING COMMISSION ON GENERAL PLAN AMENDMENT FOR AV-1377-E, FROM RESIDENTIAL TO AGRICULTURAL, ROCK TITE CONSTRUCTION/GRAHAM

Commissioner Fralish mentions he doesn't like to delay the process but feels there are too many factors that need to be considered. Chairperson Browning asks if they are prepared to forward on this or not.

Commissioner Kuehne mentions they could just take a vote and see how it works out.

Madeline Graham asks if they would be able submit their building plans to moving forward if this is tabled.

Jason Graham mentions that six people were notified of this meeting and only one came in support of the change.

Commissioner Kuehne would like to have comment from the neighboring parcels even if by letter.

Attorney Guzman reminds the commission that the purpose of the notice provisions is to give the neighbors an opportunity to come and share any objection. If they had anything to say they could have sent in a letter for tonight or appeared. He also suggests that they make the needed to changes to the general plan at some point so it reflects what is desired in the area.

MOTION: Chairperson Browning moves to forward to the Town Council the general plan amendment for AV-1377-E from Residential to AG to be approved.

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

| | |
|------------------------|--------|
| Chairperson Browning | Aye |
| Commission Prentice | Absent |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Nay |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

RECOMMENDATION FROM PLANNING COMMISSION ON ZONE CHANGE FOR PARCEL AV-1377-E, PLANNED DEVELOPMENT TO AGRICULTURAL ZONE, ROCK TITE CONSTRUCTION/ GRAHAM

MOTION: Chairperson Browning moves to send the zone change for parcel AV-1377-E from planned development to AG5 and forward to the town council for approval

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

| | |
|------------------------|--------|
| Chairperson Browning | Aye |
| Commission Prentice | Absent |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Nay |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

APPROVAL OF MINUTES

**A. Approval of Minutes
8.28.2019**

MOTION: Commissioner Jorgensen moves to approve minutes for 8.28.2019 planning commission meeting.
SECOND: Commissioner Kuehne
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Absent
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

ADJOURNMENT

MOTION: Commissioner Jorgensen moves to adjourn
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Prentice Absent
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 9:29 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder

OPENING

Chairperson Browning brought the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Deputy Clerk Ben Billingsley

CONSENT AGENDA

- A. Approval of Minutes for 9.25.2019
- B. Approval of Minutes for 10.9.2019
- C. Approval of Minutes for 10.23.2019

MOTION: Chairperson Browning moves to approve the Consent Agenda for 12/11/2019

Commissioner Prentice expresses her offense and concerns from the 9.25.2019 meeting stating the minutes were not representative of the comments. She would like it noted that in her view everyone on the commission and in town was mistreated during the meeting.

MOTION: Chairperson Browning moves to remove item A from the Consent Agenda.

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

| | |
|-----------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Janet Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

MOTION: Chairperson Browning moves to approve the remaining items of the Consent Agenda for 12/11/2019

SECOND: Commissioner Prentice

VOTE: Chairperson called for a vote:

| | |
|-----------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Janet Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

PUBLIC HEARINGS/DISCUSSION ITEMS:

1. Public Hearing for Amendments to 10.04.010; Home Occupation Definition

Chairperson Browning opens the hearing for the Home Occupation Definition.
Chairperson Browning reads the home occupation as proposed.
Commissioner Kuehne asks for clarification on the removal of the language regarding employees.
Chairperson Browning closes the public hearing on the Home Occupation Definition.

2. Recommendation from Planning Commission on changes to Town Code 10.04.010 Definitions

MOTION: Chairperson Browning moves to forward the changes to town code 10.04.010 for home occupation definition to the Town Council for approval.

SECOND: Commissioner Prentice

VOTE: Chairperson called for a vote:

| | |
|-----------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Janet Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

3. Public Hearing for Amendments to 10.02.130; Changes and Amendments

Ben Billingsley explains that Planning Commissions are required by the state to hold a hearing with a 10 day minimum notice in order to make land use regulation changes. Town regulations require a 14 day public notice for the proposed Changes and Amendments and are not completely clear as to which body should hold the hearing.

Commission Kuehne feels the town code is clear; the Town Council should hold the hearing. This would mean that both bodies hold hearings.

Chairperson Browning reads the proposed changes.

Chairperson Browning opens the public hearing.

Commissioner Kuehne states his preference for both the Planning Commission and the Town Council to hold public hearings.

Mayor Lisonbee clarifies that in the case of a zone change, residents located nearby the parcel requesting a change receive a letter in the mail letting them know there will be a public hearing.

Chairperson Browning closes the public hearing.

4. Recommendation from Planning Commission on 10.02.130 Changes and Amendments

Commissioner Fralish mentions that the Town Council has the option to hold a public hearing if they feel it necessary.

MOTION: Commissioner Fralish moves to recommend the changes to 10.02.130
SECOND: Commissioner Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Nay
Commissioner Fralish Aye

5. Presentation of the results of the Shipping Container Survey

Rich Ososki commented that shipping containers are very versatile and can be stacked. Ben Billingsley goes through the results from the survey. He uses a power point presentation to show the results.

6. Recommendation from Planning Commission on 10.28.230 Accessory Building and Accessory Uses General Requirements

The Commission discusses the impact shipping containers may have on the towns ability to restrict steel buildings. The commission discusses the need to completely separate shipping containers from the Accessory Building section and creating a new section for it. Margie Ososki asks what the recommendation was after the public hearing. The commission states the Commission did not make a recommendation after the hearing. Mrs. Ososki points out many people who took the shipping container survey are not present to hear the results.

7. Discussion on 10.14.020.B.1 Short Term Vacation Rental Rules and Regulations/Bed and Breakfast in Commercial Zoning

Ben Billingsley described the issue at hand. He mentions that a Bed and Breakfast home is defined in our code but is required to be in a commercial code; Bed and Breakfast inn is not. A home Bed and Breakfast is usually run from a home with 4 or less rooms and is in a residential zone. An Inn must be located in a commercial zone and may have up to 8 rooms. Our code currently does not allow a Bed and Breakfast to be run from a residential area. Our code does not allow a resident to live in a short term vacation rental either. We have a resident who would like to run a bed and breakfast out of her home but we don't have land use code that allows this type of use.

Commissioner Prentice mentions a discussion item that was tabled on August 14th. This item is about changing the Bubbling Wells area to low density. This has to do with the General Plan discussions they have had. Ben will send out a copy of the map they are working on.

The next meeting will be on January 8th. They would like to work on the shipping containers and general map then.

ADJOURNMENT

MOTION: Commissioner Prentice moves to adjourn
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:09 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder